

NAB CODE PROVISION JEOPARDIZED

A decision of far-reaching importance to the broadcast industry was handed down by the Federal Communications Commission on Tuesday (26). The Decision and Order in the United Broadcasting Company (WHKC) case, which we print in full, jeopardizes the provisions of the NAB Code dealing with Controversial Public Issues and Membership Solicitation. The specific language of the Commission is: "The Commission, however, is of the opinion that the operation of any station under the extreme principles that no time shall be sold for the discussion of controversial public issues and that only charitable organizations and certain commercial interests may solicit memberships is inconsistent with the concept of public interest established by the Communications Act as the criterion of radio regulation."

This decision of the FCC may well undermine the effectiveness of the industry's attempt to institute a program of self-regulation, in so far as it relates to public issues of a controversial nature and membership solicitation.

The Commission observes that it is the duty of each station licensee to make sufficient time available "on a non-discriminatory basis" for full discussion of problems of public concern. This view is consistent with and in no sense contrary to that embodied in the Code since that document imposes upon each individual broadcaster the obligation of making time available without charge—which is clearly "on a non-discriminatory basis"—for the discussion of issues of a controversial character. The Commission's opinion "that the operation of any station under the extreme principles that no time shall be sold for the discussion of controversial public issues and that only charitable organizations and certain commercial interests may solicit membership is inconsistent with the concept of public interest * * *" appears to take issue with the Code recommendation. This development poses a problem of deep importance to every person in the industry.

The full text of the Decision and Order follows:

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington 25, D. C.

Docket No. 6631

In re UNITED BROADCASTING COMPANY (WHKC),
COLUMBUS, OHIO

DECISION AND ORDER

BY THE COMMISSION:

1. The Commission has before it a joint motion filed by the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated with the Congress of Industrial Organizations and Local 927, UAW-CIO, Columbus, Ohio (herein called the "UAW-CIO" or the petitioner), and the United Broadcasting Company, licensee of Station WHKC (herein called the licensee), requesting the Commission to adopt a Statement

of Policy which has been agreed upon by the parties, and to enter an order dismissing the proceedings.

2. The background of this matter may be set forth as follows: On June 2, 1944, the UAW-CIO filed a petition directed against the Commission's action granting the application of the licensee for renewal of license for operation of Station WHKC. The petition alleged that the licensee was throttling free speech and was therefore not operating in the public interest for the following reasons:

(a) The station had a policy not to permit the sale of time for programs which solicit memberships, discuss controversial subjects, race, religion, and politics.

(b) The station did not apply this practice uniformly, but on the contrary applied that policy "strictly to those with whom the management of Station WHKC disagrees, including petitioners, and loosely or not at all with respect to others."

(c) The station unfairly censored scripts submitted by petitioners.

Upon consideration of this petition and an opposition thereto filed by the licensee, the Commission designated the petition for hearing, and pursuant to the provisions of Sections 308(b) and 312(a) of the Communications Act of 1934, as amended, directed the station licensee to file with the Commission on or before the 5th day of August, 1944, a Statement of Fact concerning the operation of WHKC with particular reference to the allegations of the petition and as to whether the station had been operated in the public interest. The Commission further directed the licensee to be prepared at said hearing to offer evidence in support of its Statement of Fact. Pursuant to the Commission's action, the licensee filed its Statement of Fact and a hearing was held before a member of the Commission from August 16 through August 24, 1944.

3. The evidence adduced at the hearing showed that the station's policy upon which the petition was predicated was governed by the provisions of the Code of the National Association of Broadcasters. The Code is a voluntary one without legal effect upon the members of the National Association of Broadcasters. The purpose of the Code as stated in its foreword is "to formulate basic standards" for the guidance of broadcasters. At pages 3 and 4 it provides that no time shall be sold for the presentation of public controversial issues, with the exception of political broadcasts and the public forum type of programs; and that solicitation of memberships in organizations, whether on paid or free time, should not be permitted except for charitable organizations, such as the American Red Cross and "except where such memberships are incidental to the rendering of commercial services, such as an insurance plan either in respect to casualty, to life, or to property."

4. On October 20, 1944, the petitioner and the licensee filed the instant joint motion which contained the following agreed statement:

"The record of the hearing discloses that Station WHKC in the past had pursued a policy which it believed to be in the best interests of the public and at no time did the station believe that the application of this policy was contrary to the interests of labor. The record testimony further discloses that at the time of the hearing the station enunciated a revised policy which it had adopted prior to the hearing and which it intends to follow in the future. This policy is as follows:

(Continued on next page)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1760 N St., N. W. WASHINGTON 6, D. C. Phone NAional 2080

J. H. Ryan, President

C. E. Arney, Jr., Secretary-Treasurer

Lewis H. Avery, Director of Broadcast Advertising; Robert T. Bartley, Director of Government Relations; Helen A. Cornelius, Asst. Director of Broadcast Advertising; John Morgan Davis, General Counsel; Willard D. Egolf, Director of Public Relations; Howard S. Frazier, Director of Engineering; Dorothy Lewis, Coordinator of Listener Activity; Paul F. Peter, Director of Research; Harlan Bruce Starkey, Chief, News Bureau; Arthur C. Stringer, Director of Promotion.

"(a) It will be the future policy of Station WHKC to consider each request for time solely on its individual merits without discriminations and without prejudice because of the identity of the personality of the individual, corporation, or organization desiring such time.

"(b) With respect to public issues of a controversial nature, the station's policy will be one of open-mindedness and impartiality. Requests of all individuals, groups, or organizations will of necessity have to be considered in the light of the contribution which their use of time would make toward a well-balanced program schedule, which the station will try at all times to maintain in the interest of the people it serves.

"(c) Station WHKC will make time available, primarily on a sustaining basis, but also on a commercial basis, for the full and free discussion of issues of public importance, including controversial issues, and dramatizations thereof, in order that broadcasting may achieve its full possibilities as a significant medium for the dissemination of news, ideas, and opinions. And, in doing so, there will be no discrimination between business concerns and non-profit organizations either in making time available or restricting the use of such time. Non-profit organizations will have the right to purchase time for solicitation of memberships.

"(d) Station WHKC will, if it refuses time for public discussion, do so in writing showing reasons for such denial to the extent that requests for time are made in writing.

"(e) The censorship of scripts is an evil repugnant to the American tradition of free speech and a free press, whether enforced by a government agency or by a private radio station licensee. Broadcasts by candidates for public office may not be censored under the law. But as to all other broadcasts, Station WHKC will not censor scripts, or delete any matter contained in them, except for reasons which it believes to be in accordance with the law and existing regulations as set forth in its Statement of Policy and as explained and interpreted in the record testimony. (See Editor's Note.) In the light of future experience this policy may be changed through action by the courts, the legislature or by rules of government bodies having jurisdiction over particular subject matter. It will be the policy of the station to adjust its practices to such changes, reflecting at all times the tolerance which the interest of the public renders essential.

"(f) The station will see that its broadcasts on controversial issues, considered on an overall basis, maintain a fair balance among the various points of view, i.e., over the weeks and months it will maintain such a balance with respect to local and network programs, both sustaining and commercial alike.

"The parties believe that the above statement of policy properly sets forth the duties of a licensee under the Communications Act of 1934 with respect to the availability of time for discussion of issues of public impor-

tance, the censoring of scripts by licensees, and the maintenance of an overall program balance."

5. As indicated in paragraph 2 hereof, the present proceeding puts in issue the duties of a licensee, under the statutory mandate, to operate in the public interest, convenience, and necessity, to maintain an overall program balance by providing time on a non-discriminatory basis for discussion of public controversial issues and for the solicitation of memberships for non-profit organizations. It is recognized, of course, that the physical limitations on the amount of spectrum space available for radio broadcasting and the large demands upon radio stations for use of time make it impossible for every person desiring to use the facilities of a station to be granted this privilege. Under Section 3(h) of the Act, broadcast stations are expressly declared not to be common carriers. These facts, however, in no way impinge upon the duty of each station licensee to be sensitive to the problems of public concern in the community and to make sufficient time available, on a non-discriminatory basis, for full discussion thereof, without any type of censorship which would undertake to impose the views of the licensee upon the material to be broadcast. The spirit of the Communications Act of 1934 requires radio to be an instrument of free speech, subject only to the general statutory provisions imposing upon the licensee the responsibility of operating its station in the public interest.

6. No single or exact rule of thumb for providing time, on a non-discriminatory basis, can be stated for application to all situations which may arise in the operation of all stations. The Commission, however, is of the opinion that the operation of any station under the extreme principles that no time shall be sold for the discussion of controversial public issues and that only charitable organizations and certain commercial interests may solicit memberships is inconsistent with the concept of public interest established by the Communications Act as the criterion of radio regulation (CF in re the Mayflower Broadcasting Company, 8 FCC 338). The Commission recognizes that good program balance may not permit the sale or donation of time to all who may seek it for such purposes and that difficult problems calling for careful judgment on the part of station management may be involved in deciding among applicants for time when all cannot be accommodated. However, competent management should be able to meet such problems in the public interest and with fairness to all concerned. The fact that it places an arduous task on management should not be made a reason for evading the issue by a strict rule against the sale of time for any programs of the type mentioned.

7. The agreed Statement of Policy submitted by the parties herein appears to set forth generally a fair and non-discriminatory policy which WHKC, the licensee, has undertaken to apply to the presentation of controversial public issues and to the solicitation of memberships by non-profit organizations in the maintenance of overall program balance. On the basis of this undertaking, we are of the opinion that the joint motion should be granted and the proceeding dismissed, and IT IS SO ORDERED THIS 26th DAY OF JUNE, 1945.

FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE,
Secretary.

Editor's Note: The first two paragraphs of the Statement of Policy given by Carl M. Everson, WHKC manager in his record testimony, were identical to paragraphs (a) and (b) of the agreed statement as set forth in the Commission's decision. The remaining portions of his Statement of Policy, which seemingly clarify the meaning of paragraph (e) of the agreed statement reads as follows:

"Where controversial questions materially affect the life, interest or welfare of any substantial group of the community, the station will endeavor to make the time available on a sustaining basis to opposing sides and with only such program supervision as is required by the law.

"With the exception of broadcasts by candidates for political office, which may not be censored under the

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"Telling the World" Report No. 6

Local Originations in Support 7th War Loan

Period—June 10-16

(Excluding Network and National Spot)

Sing for the 7th	5-min ET	3,626
Treasury Salutes	15-min ET	3,049
Music for Millions	15-min ET	2,843
Treasury Songs	5-min ET	55
Buy, Buy Bonds	3-min ET	92
Spots	Live & ET	95,543
	2-min	1,854
	3-min	422
Programs	5-min	857
	7-min	13
	10-min	474
	12-min	61
	15-min	1,226
	20-min	41
	25-min	56
	30-min	442
	45-min	44
	50-min	10
	1 hour	41
	1½ hours	31
	2 hours	5
	3½ hours	10

No. 8 Report is due July 2

Please send Reports Nos. 7, 6, 5, and 4 if you haven't

statute, the facilities of station WHKC will be made available on the most liberal basis consistent with present laws and regulations. These laws and regulations, as I understand them, do not permit use of the facilities of a station:

"(1) To broadcast any advertising of or information concerning lottery, gift, or enterprise or similar scheme offering prizes dependent in whole or in part upon lot or chance.

"(2) To utter any obscene, indecent or profane language.

"(3) To obstruct the administration of justice.

"(4) To offend the religious susceptibilities of thousands.

"(5) To inspire political distrust and civic discord.

"(6) To offend youth and innocence by the frequent use of words suggestive of sexual immorality.

"(7) To broadcast information inimical to the public health and safety.

"(8) To broadcast statements that would tend to provoke a breach of peace or incite to riot.

"(9) To utter words of defamation of character.

"(10) To practice wilful fraud or deception upon the public through the misrepresentations of material facts.

"(11) To disparage the goods or services of a competitor.

"In the light of future experience these rules may be changed through action of the courts, the legislature or by rules of government bodies having jurisdiction over particular subject-matter. It will be the policy of the station to adjust its practices to such changes, reflecting at all times the tolerance which the interest of the public renders essential."

FCC ANNOUNCES FM, TELEVISION ALLOCATIONS

The Federal Communications Commission on Wednesday (27) adopted, with some modifications, the number 3 allocation alternative affecting that portion of the spectrum between 44 and 108 mc and placed FM in the band 88 to 106 mc. Television channel number 1 will be 44 to 50 mc with channels 2 to 6, inclusive, beginning at 54 mc and ending at 88 mc. The Commission in announcing its decision has stated that its primary concern in making the allocation between 44 to 108 mc was to provide for FM the frequencies best adapted to its needs.

It was pointed out that all other services for which provision is made in this portion of the spectrum have allocations elsewhere so that they are not wholly dependent upon assignment in this region. On the other hand, FM is receiving only one band and it is therefore essential that it receive an allocation which will give to FM a permanent portion of the spectrum "as free as possible from interference and other shortcomings."

According to testimony at the oral argument on June 22 and 23 the moving of FM broadcasting to the higher frequencies will not delay the production of receivers as long as had been originally anticipated. During the argument, there was general agreement among the representatives of manufacturers present that the delay in producing FM receivers for the new band would probably be not more than 4 months. The Commission's report is reproduced below in its entirety with the exception of interference tables contained in the report which illustrate the relative interference to be expected on several frequencies in the region 43 to 104 mc.

Report of Allocations from 44 to 108 mc.

On May 25, 1945, the Commission made public its final report of allocations above 25,000 kilocycles, except for the region of the spectrum from 44 to 108 megacycles. With respect to this region, the Commission proposed three alternative allocations for FM, television, facsimile, non-government fixed and mobile services, and the amateur service. In its report, the Commission stated that the final decision among the three alternatives could be made with a great deal more assurance if more factual data

were available. The Commission also pointed out that a program of experimentation during the summer months designed to collect further data was possible, since the War Production Board had assured the Commission that the radio industry would not resume production of AM, FM, and television transmitters and receivers in 1945 or even in the first part of 1946 unless Japan capitulated, and that the War Production Board would give the Commission 90 days' advance notice in the event of any change in its production estimates.

However, in view of the fact that the War Production Board subsequently advised the Commission that the manufacture of AM, FM, and television transmitters and receivers might commence at an earlier date than was originally indicated to the Commission, and that it would probably not be possible for the War Production Board to give 90 days' advance notice to the Commission before production was resumed, the Commission on June 5, 1945, ordered a further argument and hearing in order that a final decision might be reached at the earliest possible date. Such a hearing was held on June 22 and 23, 1945, marking the culmination of an extended series of hearings and oral arguments which began in September, 1944.

As the Commission noted in its report of May 25, 1945, its primary concern in making allocations between 44 to 108 megacycles is that FM shall be assigned the frequencies best adapted to its needs. All of the other services for which provision is made in this portion of the spectrum, have allocations in other portions of the spectrum, so that they are not wholly dependent upon their assignments here. FM, on the other hand, is receiving assignment only in this portion of the spectrum, and accordingly it is essential that it receive an allocation which will give a permanent locus, "as free as possible from interference and other shortcomings."

The three alternatives proposed for FM are:

- (1) 50- 68 megacycles
- (2) 68- 86 megacycles
- (3) 84-102 megacycles

There was unanimity that alternative No. 2 (68-86 mc.) is completely unfeasible. Accordingly, the choice lies between alternatives Nos. 1 and 3.

The primary objection to alternative No. 1 is the amount of skywave interference which will result among FM stations if FM is placed in the 50-68 megacycle region. The nature and extent of this anticipated interference was set forth in great detail in Section 8 of the Commission's report of May 25, 1945 (pp. 49-72). The tables showing such interference are reproduced at the end of this report. For example, interference among 50 kilowatt FM stations at 58 megacycles from sporadic E transmissions alone, assuming a 10/1 ratio of desired to undesired signal and full occupancy of the channel, might be expected for 140 and 480 hours per year at the 50 microvolt contour from stations 900 and 1,000 miles distant, respectively. At 84 megacycles, in contrast, interference under these conditions would be anticipated for only 6.5 to 25.5 hours per year. It should be noted that the 140-480 hours per year of anticipated interference would not be spread out evenly throughout the entire year but that the great bulk of it would be concentrated in two or three summer months.

The existence and extent of such sporadic E interference is not merely a matter of abstract calculation. In addition to the measurements of such interference made by the Commission, there is the experience of the amateurs, who have heretofore utilized both the 56-60 megacycle and the 112-116 megacycle bands. Mr. Grammer of the American Radio Relay League stated that there have been thousands of communications via sporadic E in the 56-60 megacycle amateur radio band but that there have been no recorded instances of such transmission in the 112-116 megacycle band (Cl. Tr. 144).

The amount of sporadic E interference will vary with the particular frequency involved, the power of the transmitters, the distance between transmitters, the number of transmitters on a channel, and other factors; but regardless of these factors, the region of the spectrum above 84 megacycles is markedly superior to the region below 68 megacycles with respect to sporadic E.

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In addition to this interference from sporadic E transmissions, interference from F2 transmission at 53 megacycles may be anticipated for as many as 470 hours per sunspot cycle—concentrated in a period of three years—in the case of a sunspot cycle the same as the last one; or interference may exist for as much as 2,650 hours per sunspot cycle if the next sunspot cycle is as severe as the highest on record. These figures for F2 transmission, it should be noted, assume only two stations on a channel; more than two stations on a channel would double or treble the number of hours during which F2 interference would be expected at 53 megacycles. In contrast, no F2 interference whatever is to be anticipated above 84 megacycles.

For listeners buying FM receivers in reliance on a belief that FM is an interference-free service, these figures are extremely serious. They mean, for example, that a listener tuned to a station which is carrying the program of his choice may suddenly find, either that the program to which he has been listening is being interfered with by a station hundreds or even thousands of miles away, or else that control of his receiver has been seized altogether by a distant station completely obliterating the desired program of the local station. These distant transmissions, moreover, are sporadic in nature, with the result that his enjoyment may be further destroyed by an alternation of first one program and then another as transmission vagaries decree. The effect may well be to render FM receivers useless to many listeners for substantial periods of time.

It has been argued that the bulk of the interference anticipated will be found in outlying rural areas which rely upon low-intensity signals for their radio reception and that if these areas are excluded, FM service will be more than 99 percent perfect. The tables make it clear that urban as well as rural service will be subject to substantial interference on the lower frequencies. This Commission, moreover, is under a statutory duty to make available to *all* the people of the United States an efficient nationwide radio service. The Commission's duty is not fulfilled if its provision for FM service is such as to make it impossible for rural areas to enjoy satisfactory FM service.

The tables and data upon which the Commission's interference predictions are based were set forth in full in the May 25 report and were the particular topic for the oral argument on June 22 and 23. Practically without exception all persons appearing at the hearing stated either that they agreed with the Commission's predictions or that in determining the best allocation for FM they were willing to assume that the predictions as to interference contained in the Commission's report were accurate. In those cases where exception was taken, no substantiating data were offered. Indeed, the testimony at the June 22-23 argument indicated that the Commission's predictions might understate in at least one respect the number of hours of interference to be anticipated at particular contours. The Commission's predictions were based upon the assumption that receivers will be generally available which are capable of rejecting an undesired signal one half as strong as the desired signal. Manufacturers generally appearing at the hearing were unwilling to state that their post-war receivers would meet this standard. With inferior receivers, an even greater number of hours of interference can be anticipated. The issue, accordingly, is whether the freedom from long-range interference which FM will enjoy at the higher frequencies is to be sacrificed by reason of other considerations.

Various objections to assigning the higher frequencies to FM have been raised in this record. For example, it has been alleged that tropospheric interference may be worse in the vicinity of 100 megacycles than in the 50 megacycle region. The Commission in its report of May 25, 1945, specifically pointed out that there would be some difference in tropospheric propagation; but this difference would be only slight and that tropospheric interference at the higher frequencies could be eliminated by slightly increasing the geographical separation between stations. This evidence was not controverted at the oral argument on June 22 and 23, 1945, and Dr. Beverage, one of the propagation experts chiefly relied upon by persons favoring alternative No. 1, testified that tropospheric effects change slowly and that they would not be greatly different

throughout the range of frequencies under consideration (Tr. 5583).

The point has also been made that equipment for use in the vicinity of 100 megacycles will cost more than equipment for use in the vicinity of 50 megacycles. This will no doubt be true at least temporarily, but it seems equally clear that competition will reduce the differential substantially, and that the benefit to the public resulting from an interference-free service will more than outweigh the slight increase in initial cost for service in the 100 megacycle region.

At the earlier hearings, some contended that FM might be delayed for two years or even longer if FM were assigned to the higher frequencies. At the time of the oral argument, June 22-23, 1945, the estimates of delay were reduced to four months. It may well be that competition will markedly reduce even this four-month estimate. Moreover, this report makes it possible for manufacturers to begin at once their planning and design for the higher frequencies. The War Production Board has not yet authorized construction of AM, FM, or television equipment for civilian use; and some months may still elapse before manpower or materials become available in sufficient quantities for such production to begin. If so, the planning and design of equipment for the higher frequencies can be completed before civilian production of any AM, FM, and television equipment is authorized.

Manufacturers, of course, are desirous of marketing FM receivers at the earliest possible moment; and the Commission, too, is concerned that FM receivers shall be freely available to the public early enough to supply the immediate post-war demand. However, the Commission has a duty to consider the long range effects of its action as well as the effects during the months immediately ahead, and it does not propose to provide an inferior FM service during the decades to come merely because of the transitory advantages which may be urged for an inferior type of service.

Earlier in these proceedings, much emphasis was placed on the presumed hardship which would result to the approximately 400,000 persons who had purchased FM receivers before the war. Most of these receivers are combination AM-FM and the AM part of the receiver will continue to be used. There is now substantial agreement that the band (42-50 Mc.) for which these receivers were made is wholly inadequate and unsuited to FM reception. Accordingly, no one today argues that post-war FM should be degraded to the point necessary to accommodate these receivers. However, interim operation in the present band from 42 to 44 megacycles is being provided until such time as equipment for the higher frequencies is freely available to the public and until owners of existing receivers have had equal opportunity to adapt or convert them to the new band. In this connection, a converter was demonstrated to the Commission which would make existing FM receivers capable of tuning to the higher frequencies and which should retail for approximately \$10.00.

For the foregoing reasons and upon the basis of data set forth in Section 8 of the report of May 25, 1945, the Commission is adopting alternative No. 3, with certain modifications. The allocation between 42 and 108 megacycles is as follows:

<i>Freq. Band (Mc.)</i>	<i>Proposed Allocation</i>
42- 44	Non-Government Fixed and Mobile
44- 50	Television—Channel No. 1
50- 54	Amateur
54- 60	Television—Channel No. 2
60- 66	Television—Channel No. 3
66- 72	Television—Channel No. 4
72- 76	Non-Government Fixed and Mobile
76- 82	Television—Channel No. 5
82- 88	Television—Channel No. 6
88- 92	Non-Commercial Educational FM
92-106	FM
106-108	Facsimile

This allocation is essentially the allocation proposed as alternative No. 3 of the earlier report, except that the non-government fixed and mobile services have been moved

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from 104-108 megacycles to 72-76 megacycles, and FM and television have been adjusted accordingly. The advantage of this change is that it makes possible immediately the use of all 13 television channels below 300 megacycles. Under alternative No. 3, as originally proposed, the entire 6 megacycle television channel between 72 and 78 megacycles could not be used until the aviation markers centering on 75 megacycles were moved. The non-government fixed and mobile services are not under the same disability. They can use the entire band between 72 and 76 megacycles at once, with the exception of approximately one-half megacycle in the vicinity of 75 megacycles to protect the aviation markers. This shift of the non-government fixed and mobile services from 104-108 megacycles to 72-76 megacycles also results in a possible increase in the number of channels available to the non-government fixed and mobile services, since a 40 kilocycle channel is adequate in the 72-76 mc. portion of the spectrum, whereas a 50 kilocycle channel was proposed in the 104-108 megacycle region.

Ground Wave Coverage

Distance in Miles to 50 uv/m Contour

Power:	1 kw			10 kw			50 kw		
Antenna									
Height:	200'	500'	1000'	200'	500'	1000'	200'	500'	1000'
46 mc.:	40	52	65	56	67	82	67	80	95
95 mc.:	43	56	68	57	68	83	68	81	92

According to the FMBI News Letter, President Walter J. Damm of FM Broadcasters, Inc., has called a special meeting of the FMBI Board in Chicago on July 10. Mr. Damm called the meeting as soon as the decision of the FCC was made known to him. It is expected that the FMBI Board, following the meeting, will release a public statement concerning the Association's attitude on the allocation.

FCC COMMENDS CASE

The Federal Communications Commission on Tuesday (26) adopted the following Minute:

"Commissioner Norman S. Case, former Governor of Rhode Island, on June 30, 1945, will complete eleven years service on the Federal Communications Commission.

"He was appointed by President Franklin D. Roosevelt and was an original member of the Commission when it was constituted on July 11, 1934. Governor Case has endeared himself to his fellow commissioners, the staff, and all the employees by his warm personal qualities, integrity and sense of fair play.

"Uprightness of character, firmness of conviction and precision of thought have marked his conduct in the deliberations and decisions of the Commission. He has always had the confidence and the respect of those who have had matters before the Commission.

"We who have been intimately associated with him through the years have appreciated his fairness in all matters and his consideration for the views of others. Our work with him has been a pleasure. We congratulate him on the completion of his long and honorable term of public service as a member of this Commission and extend to him our best wishes for his continued success in any activities he may undertake."

PARDON THE ERROR

In last week's NAB REPORTS, Page 246, there appears an article titled "Right-To-Work Law Upheld." The word "Federal" in line two of paragraph one should have been "Florida." We're sorry.

WAR DEPT. ASKS YOUR HELP

Telephone calls, local and long distance, and the gathering of crowds, due to arrival of troops from overseas, are currently causing much confusion at Ports of Embarkation.

To illustrate: When the Queen Mary arrival was announced one day in advance, by radio and press, over 3,000 calls were received by the New York Port of Embarkation. Most of the questions asked about the troops were naturally unanswerable.

Office, Chief of Transportation, has asked NAB, through channels, to transmit to member stations this request:

That broadcast stations "amend each news story about the arrival of troops at any port with statements outlining the following:

a) "the public should not telephone the Port. Arrivees will doubtless telephone their relatives the soonest.

b) "the public must stay clear of the vicinity of piers or staging areas.

c) "if no telephone call is received, individuals probably have not arrived. Units announced as returning are not necessarily arriving in their entirety."

SENATE UPS OWI BUDGET

The Senate refused to follow the House lead in slashing funds for the Office of War Information. A budget of \$39,670,215 was voted by the upper chamber for the next fiscal year. OWI asked \$42,000,000 which was cut by the House Appropriations Committee to \$35,000,000 and then by House vote to \$18,000,000.

The matter now goes to conference in an effort to reconcile the differences between the two branches of Congress.

ALMA KITCHELL NEW AWD PREXY

Alma Kitchell, WJZ, New York, is the new President of the Association of Women Directors of NAB, it is announced by Dorothy Lewis. A national radio figure, she will bring prestige to this fast growing and important radio organization. Other officers include four Vice-Presidents: Mildred Bailey, WCOP, Boston; Elizabeth Hart, WMAQ, Chicago; Gwendolyn Peacher, KNX, Hollywood, and Dorothy Lewis, NAB, New York. Secretary: Jane Dalton, Spartansburg, South Carolina, and Treasurer, Barbara Bates, WOW, Omaha. These women, all well known broadcasters, will seek to stimulate activities in their regions.

INTERNATIONAL BROADCAST FOR "CANADA DAY IN ROCHESTER"

Because of its international significance, NAB is reporting herewith a more complete story of "Canada Day in Rochester." This was but sketchily told in "Telling the World" folio of news items taken from No. 6 Reports.

Climax to one of Rochester's largest and by far most important events in this Seventh War Loan Drive was the international broadcast celebrating "Canada Day in Rochester." William A. Fay, vice president of Stromberg-Carlson, in charge of broadcasting, and former general manager of WHAM, and John D. Hayes, president of Fanny Farmer, were chairmen of the affair.

The broadcast, carried by CBC Trans-Canadian network and "Radio Rochester," WHAM-WHEC-WSAY, was aired at 8:00 p. m., June 15. It consisted of congratulatory speeches by J. L. Ilsley, minister of finance of Canada, and Henry Morgenthau, Jr., Secretary of the Treasury. Music for the program was furnished by the Rochester Philharmonic Orchestra and the Royal Canadian Air Force Central Band, playing from Ottawa, Canada.

Engineering pickups and relays played an important part in the broadcast. Secretary Morgenthau spoke from Poughkeepsie, N. Y.; Finance Minister Ilsley's talk came from Ottawa, through station CBL, Toronto, and the announcing and orchestra from Rochester.

"Canada Day" brought to Rochester some of the out-

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standing military heads of both countries and many fetes and appearances by all dignitaries took place. His worship, the Mayor of Toronto, Robert Saunders, headed a caravan of visitors arriving Friday morning. Two Canadian bands, the Royal Canadian Navy Band, and the Centralia Bagpipe Band, participated in a parade Friday night. Boy Scouts from Toronto, 5½-year service men of the Army, specially trained marching units, 100 Air Cadets, Royal Northwest Mounted Police and a Guard of Honor were guests.

Many of the military dignitaries and the Navy Band participated in ceremonies held Thursday, Flag Day, June 14. A special program was aired by "Radio Rochester." WHAM-WHEC-WSAY, from a Rochester high school, giving the report of bond sales by the Rochester schools.

Broadcast arrangements for both days were made by Charles Siverson, program director, WHAM, and a member of Mr. Fay's committee. A special broadcast was aired on WHAM at 7:45, the same evening, in which C. Raymond Naramore, Board of Education, Rochester, interviewed Captain Leslie Gehres, skipper of the USS *Franklin*. Captain Gehres, a former Rochesterian, visited the home town for the "Canada Day" celebration.

FIGHTERS LIKE KODY GLOBAL SHOW

From Berchtesgaden to the Philippines and points between, soldiers, sailors, and marines have heard the KODY—North Platte, Neb., "Let's Go to Town" show. Paratrooper Floyd Small called the program a "terrific morale booster" after hearing it in Germany.

Glen A. Albert Anderson, U. S. Coast Guard, wrote from the Philippines, June 11:

"Tonight at 2045 I turned on the radio—to get 'Let's Go to Town.' I was very surprised to hear good old North Platte. It was a great pleasure to hear the sounds of our great town. I was very glad to hear all the news, as our mail is very slow in getting here. I want to thank you for the highlights of the hometown, and I know many others who also enjoy it."

John Alexander, general manager. KODY, was Task Force Commander for the North Platte program.

2 WIP SCRIPTS IN FOR OK

Ed Wallis, WIP program director, and Task Force Commander of two Philadelphia "Let's Go to Town" programs, forwarded scripts to Los Angeles for approval, June 27.

In the programs GI listeners will take a trip from the North Philadelphia station down Broad Street, with landmarks pointed out en route. Familiar city sounds will be included in each ET.

Participants in the show will be: Jerry Doyle, Philadelphia *Record* cartoonist; Stoney McLinn, WIP-Mutual sports commentator; Connie Mack, manager and owner of Athletics; Gene Krupa and his orchestra (appearing at the Earle Theater, Philadelphia); Bob Williams, *Bulletin* servicemen's correspondent; and Mildred Martin, amusement editor for the Philadelphia *Inquirer*.

EUGENE CARR JOINS BRUSH-MOORE

Eugene Carr has resigned as assistant to President George A. Richards (WJR, WGAR, KMPC) to become Executive in Charge of Radio for the Brush-Moore Newspapers, Inc., owners of several Ohio newspapers and radio stations WHBC, Canton, and WPAY, Portsmouth.

For the past six months Mr. Carr has been on loan to the Treasury Department as Chief of the Radio Section of the War Finance Division. Appointment of Carr, a recognized leader in various phases of radio development, indi-

cates that Brush-Moore is planning an expansion of its radio activities.

Carr has long played a prominent role in industry affairs. He was one of the founders of the Broadcast Advertising Department of NAB, and as chairman of the Sales Managers Executive Committee; led in the origination of the Retail Promotion Plan and the development of the retail presentation made in 1943. This project contributed largely to breaking down the resistance of retailers to radio advertising. In addition to his almost constant connection with NAB affairs, Mr. Carr served as Vice President of the Ohio Association of Broadcasters.

Entering radio in 1929 with WTAM, Cleveland, Mr. Carr has served in almost every broadcast capacity, as musical talent, commercial copy writer, program director, producer, assistant general manager, general sales manager, and more recently as assistant to President Richards in the operation of the latter's three stations. From May 1942 to September 1943 Carr served as an assistant in the Radio Division of the Office of Censorship. He broadened his acquaintance in the radio industry through attendance at NAB District meetings explaining the relation of the broadcasters to censorship.

Carr left the Treasury on June 26 and after a month's vacation, which will be spent with his daughter at Colorado Springs, he takes over the reins for Brush-Moore.

Lt. Levy New Chief

Succeeding as Treasury radio chief is Lt. (J. G.) David Levy, a member of the radio staff during the 7th War Loan. His appointment was made known to NAB June 27 by Tom Lane, director of advertising, press and radio. Lt. Levy was writer and producer for Young and Rubicam before joining the Navy.

Mr. Lane said that Lt. Levy will continue to devote most of his time to writing and production.

KPRO STAFF CHANGES

W. L. Gleeson, President of KPRO, Riverside, California, announces the appointment of Gene Williams, formerly commercial manager, to the position of station manager. Mr. Williams, graduate of the University of Missouri School of Journalism, was for 14 years connected with the *Janesville Gazette* and Station WCLO at Janesville, Wisconsin.

At the same time it was revealed that Herbert Ellis, formerly of KFMB and KGFJ, and Edward Hess McLean, just released from the Navy, have joined the KPRO staff, the former as an announcer, and the latter as production man and director of Talent Bureau.

Mr. Gleeson is retiring from the active management of the station to devote his full time to KPRO's television and FM plans.

RADIO MAN KEYNOTES TOURIST MEETING

Arthur R. Kirkham, Vice President of KOIN, keynoted a meeting called by Oregon's Governor Earl Snell to discuss ways and means for making tourist and recreation the number one industry in Oregon after the war.

Oregon radio men were well in evidence at the Salem meeting, along with representatives of Chambers of Commerce, railroads, airlines, newspapers, tourist hosts, and others. The object of the meeting is to expand and make better the state's tourist facilities and to conduct an active nation-wide campaign to encourage travel in that area.

Through the 16 years of his service at KOIN, Kirkham has played a major role in developing Oregon's tourist attractions and is known as the "father" of Portland's justly named 50-mile scenic drive.

THIRD YEAR OF STUDENT-TEACHER TRAINING COURSE IN RADIO NOW UNDER WAY AT KYW

PHILADELPHIA, PA.—For the third successive year, KYW opened its doors and loaned its facilities to the education of teachers and high school pupils in all phases of broadcasting beginning Wednesday (27). At that time, Radio Workshop, a co-operative project pioneered by Philadelphia's Board of Education and the Westinghouse station, started classes with lectures and laboratory work that will extend throughout July on a daily basis.

The first fifteen minutes of the opening session went on the air from 9:15 to 9:30 A. M. over KYW. Heard on the broadcast were Lee B. Wailes, Manager of Westinghouse Radio Stations, Inc.; Dr. T. E. McMullin, of the University of Pennsylvania; Dr. Merrill E. Bush, Temple University; Dr. Robert MacMillan, Associate Superintendent of Public Schools, and Miss Gertrude A. Golden, Superintendent of the Third District Public Schools and Chairman of Public Relations for the Board of Education. They engaged in a round-table preview of the Summer Workshop.

The original idea of bringing student-teachers into actual contact with professionals, radio equipment and broadcasting procedure is still adhered to by the Workshop. The lectures and laboratory work stress the four basic subjects which two years' previous experience has been shown to be most valuable to the purpose of education by radio. These subjects are script-writing, production and acting, utilization and evaluation.

In addition to KYW personnel and facilities, the Workshop draws guest speakers from Westinghouse stations conducting similar courses. Speakers from other prominent educational and radio sources are also scheduled at frequent intervals.

Robert L. Hudson of Denver, Chairman of the Rocky Mountain Radio Council, will give the benefit of his experience to the Workshop members over a two-week period.

The popular teaching plan was conceived by Gordon Hawkins, Program and Educational Director of Westinghouse Radio Stations, Inc., in collaboration with Miss Gertrude Golden, District Superintendent of the Philadelphia Public School system.

Similar workshops have been instigated by Mr. Hawkins at KDKA, Pittsburgh; WBZ, Boston, and WOWO, Fort Wayne. He presides over the annual Philadelphia activity ably assisted by William C. (Colonel Bill) Galleher, KYW Educational Director.

ABSIE ENGINEERING GROUP FORMED

In a letter to NAB from one of its members, news was brought of the organization of a club known as "ABSIE Engineering Group," composed of engineers of the "American Broadcasting Station in Europe."

"The Broadcast Stations of America have contributed personnel and air time to aid the war effort. Broadcast men have enlisted in the various armed services of their country; other men volunteered to go abroad for Government Agencies who had great need for technical personnel. This letter concerns those personnel who went abroad for the Office of War Information to build and operate a radio station known as the 'American Broadcasting Station in Europe.'

"Throughout 1944 and during the first 5 months of 1945, despite enemy action by robot bombs and rockets, members of the Engineering Staff stood by their jobs so that the people of the occupied countries would receive the news devoid of enemy propaganda, receive operational messages and instructions and finally prepare them for the ultimate liberation of their respective countries. The American Broadcasting Station in Europe did just that.

"The Engineers of ABSIE have formed a club called 'ABSIE Engineering Group,' whose purpose is to foster

the friendship and comradeship started in the European Theater of Operations and pledge mutual aid to each other following the cessation of hostilities and the return to normal life. The Group met and elected Ely I. Bergmann of the WOR-Mutual, Chairman, and Fred G. Edwards of WTIC, Secretary-Treasurer."

DURR AIRS RADIO VIEWS

FCC Commissioner Clifford J. Durr, speaking at the Conference of the Independent Citizens' Committee of the Arts, Sciences and Professions, Inc., in New York City on last Saturday (23), made some interesting observations on broadcasting which, we believe, will be of interest to all in the industry. His remarks follow in full:

"The title assigned to me is 'FM—New Market for Radio Talent.' I hope you will forgive me if I stray beyond the narrow limits set by the language of the title, for FM or frequency modulation broadcasting is merely a newer and, we hope, a better method of broadcasting which will open new spaces in the radio spectrum for additional broadcast stations.

"In considering the employment of radio talent, we cannot separate FM from broadcasting generally—from standard broadcasting and television. And we cannot consider the employment problems and opportunities of the new FM except in the light of our experience with the old standard broadcasting system.

"The employment opportunities ahead in the field of broadcasting will depend, it seems to me, upon which of two basic philosophies we adopt with respect to this instrumentality. I should like first to outline these two philosophies and then to point out their consequences in terms of the employment of artists, scientists and professional people generally.

"The first of these philosophies has been expressed as follows:

"'The ether is a public medium, and its use must be for public benefit. The use of radio channels is justified only if there is public benefit. The dominant element for consideration in the radio field is, and always will be, the great body of the listening public, millions in number, country-wide in distribution.'

"This, the 'public medium' philosophy, was laid down by Herbert Hoover in 1925, when he was Secretary of Commerce, and I believe it embodied the best thinking of that time on the subject.

"I believe it was the intention of Congress to incorporate this philosophy into law when it expressly reserved to the people title to all radio channels; when it directed that licenses be granted only to applicants who demonstrate their qualifications and their intention of using the publicly-owned channels in the 'public interest, convenience and necessity'; when it provided that no broadcasting license should ever be granted for a period longer than three years, and that every application for renewal of license 'shall be limited to and governed by the same considerations and practices which affect the granting of original applications'; and when it provided that every applicant for a license must sign a waiver of any claim to the use of the ether 'as against the regulatory power of the United States.'

"However, as radio demonstrated its possibilities, a second philosophy began to arise, which has in recent years been asserted with increasing frankness and vigor. This second philosophy is exemplified in the New Year's statement of the president of the National Association of Broadcasters, an association which represents some two-thirds of the broadcasting stations of this country:

"'This has been a great year for radio and 1945 will be a better one, judging by the prospects. One must consider balance sheets to measure the progress of radio. For balance sheets represent an index to the medium's effectiveness.'

"I am sure this 'balance sheet' philosophy is not the philosophy of all broadcasters or even of all members of the National Association of Broadcasters, but to date it has

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not been publicly repudiated by any of them, so far as I am aware.

"The 'balance sheet' philosophy was more fully developed by the president of the NAB in an address delivered this spring before the Kiwanis Radio Week Meeting of the Kiwanis Club of Omaha, Nebraska. He posed this question to his audience:

"Do you regard it [radio] purely as a miracle, as a flash of inventive genius—a discovery in electronics beyond the comprehension of ordinary mortals, or do you associate it with bookkeeping, clerks, secretaries, bank balances, customers, pay checks and janitors—in short, the product of American business?"

The question would seem to provide its own answer. But lest some of his listeners might associate radio in their own minds with writers and musicians, dramatists, producers, actors, educators, and those in public life who are struggling with the vital economic, political and social issues of the day—or even with listeners—the speaker answered his own question:

"American radio today is the product of American business! It is just as much that kind of product as the vacuum cleaner, the washing machine, the automobile and the airplane. * * *

"After twenty-five years, if the legend still persists that a radio station is some kind of an art center, a technical museum or a little piece of Hollywood transplanted strangely to your home town, then the first official act of the second quarter century should be to list it along with the local dairies, laundries, banks, restaurants and filling stations as a member of the town's business family."

"Going back to the cruder days of broadcasting, the NAB president reminded us of the time when station operators 'had a sort of *artistic personality*.'" "Many a station operator," he pointed out, "who might have had a personal preference for poetry and the opera learned some sound lessons in selling and merchandising under the tutelage of America's good, hard-headed business men, and it was the best thing that could have happened to him."

"Coming forward to more recent years, the speaker informed his audience:

"The 1935 radio and its advertisers really began to get together. Advertising agencies had learned how to produce successful programs with some degree of regularity."

and, may we not assume, they had also learned how to submerge effectively the 'artistic personality' of those station operators who might be swayed by their 'personal preference for poetry and the opera.'

"Earlier, during the period of dominance of the 'public medium' philosophy, many broadcasters felt it was their opportunity, as well as their responsibility, first, to encourage and to serve as an outlet for the local talent available in their communities; and second, to make available to their communities by means of networks or transcriptions, the cultural and entertainment resources of the entire nation. But, as the NAB president pointed out, the emphasis has now shifted to another kind of contribution which the radio station brings to its local community:

"If we look no further than the income which the radio station brings to town from national advertising, this is a considerable item which, after taxes, goes into local salaries, programs and general development."

Under the new philosophy, a local program is still apparently all right if limited to announcements or sponsored news or recorded programs, but if the broadcaster is to meet the 'balance sheet' test, he must keep his eye on the national advertisers and the income they bring to town.

"Broadcasting today is of course a product of both the 'public medium' philosophy and the 'balance sheet' philosophy. But let us look at the over-all picture and see where artists, scientists and professional people fit into the scheme of things when broadcasting becomes associated with bookkeeping, clerks, secretaries, bank balances, customers, pay checks, and janitors."

"The employment figures of 834 standard broadcast sta-

tions for the week beginning October 15, 1944 show a total of 20,452 full-time employees and executives. Only 863 of the employees were writers; 1,195 were outside salesmen. The average writer received \$40.14 per week; the average salesman, \$95.92 per week. There were 820 actors and other artists and more than three times that many accountants, clerks and stenographers. There was, however, no shortage of executives. These numbered 2,780, which is more than all the musicians and writers combined.

"Four hundred and fifteen local channel stations got along with only 259 full-time writers, but they employed 409 outside salesmen. The writers received an average of \$31.87 per week while the salesmen received \$68.85. The average local channel station employed less than one-third of a full-time musician and about one-sixth of a full-time actor.

"As for scientists, the 834 stations reported a total of 60 people engaged in research and development.

"The figures for the networks are more encouraging, but even here the salesmen outrank the writers. The four big networks and their 10 key stations employed only 122 full-time writers, as compared with 135 salesmen. The writers average \$64.58 per week and the salesmen, \$128.56.

"Since programming is the essence of broadcasting, the figures I have given would seem to indicate a struggling and impoverished industry. But I can assure you that such is not the case. Broadcasters are a modest group and not inclined to boast of their personal prosperity. They even insist that their balance sheets and profit and loss statements be kept from public scrutiny, lest they become the source of discouragement to less fortunate members of society. I can assure you, however, that few of them are impoverished and most of them are doing quite well. While I cannot talk about their individual fortunes, the story as a whole is available and you might find a few of the figures interesting.

"During the year 1944, 836 standard broadcast stations reporting to the Federal Communications Commission earned net profits before federal income taxes of nearly \$69,000,000. This represented an increase of 47% over their profits for 1943 and an increase of 125% over 1942. The 1944 net income represented a return of 194% on their investment in tangible broadcast property at the beginning of the year.

"The 1944 figures on program expenses are not yet available, but in 1943, the stations reporting to the FCC showed \$1.30 in profits before taxes for every \$1.00 they spent on programming. The station which earns 300%, 400%, or even 500% a year is no longer a rarity; and many of those who make the largest profits make it the easiest way—by becoming little more than platter players and relay stations for national news tickers and networks, while avoiding the troublesome but important job of producing programs through the use of the talent in their own communities.

"It is only fair to say that the figures which I have given with reference to the employment of talent by broadcasting stations themselves do not tell the whole story. Far from it. They only tell the story of those to whom we have entrusted the public's radio channels and whom we have charged with the responsibility of operating them in the public interest. Let us look at the rest of the picture.

"*Broadcasting* magazine, a weekly journal of the industry, has just concluded a series of articles about one of the industry's major customers, Procter & Gamble. According to the story, Procter & Gamble spent some \$11,000,000 last year for radio time alone and an equal amount for talent, or a total of \$22,000,000 more or less. This one advertiser spent 4 times the entire annual budget of the networks and stations operated by the Canadian Broadcasting Corporation, 3½ times as much as the entire program expense of 341 local stations in 1943, nearly half again as much as the program expense that year of 316 regional stations and more than twice as much as was spent by 41 clear channel stations; enough to pay the operating expenses of Iowa State College of Agriculture's very useful Station WOI, for 700 years at the rate of its present budget.

"Procter & Gamble, it appears, is as considerate of its listeners, who are the customers or potential customers for

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its products, as it is lavish in its expenditures for time and talent. According to the story:

"P&G has a policy never to offend a single listener."

"Procter & Gamble is merely the largest of the large customers who contribute generously to the production of programs and it can be assumed that most, if not all, of the others are likewise anxious not to offend. Another which has recently been the subject of attention by the press is the American Tobacco Company.

"The New York Times for Sunday, April 22, quotes the president of this company to the following effect:

"... the last thing I could afford to do is offend the public. To attract the public's attention, yes, we will do that, but that is a great deal different from offending the public."

"His views concerning the function of radio are further quoted:

"We have some funny thinking here about radio, and we have been criticized for it. Taking 100% as the total radio value, we give 90% to commercials, to what's said for the product, and we give 10% to the show.

"We are commercial and we cannot afford to be anything else. I don't have the right to spend the stockholders' money just to entertain the public."

"Is this the function of radio which the president of the NAB had in mind when he ended his speech with a reminder of radio's solemn responsibility and a prophecy of its future:

"Radio has become a recognized guardian of the public interest. American business, with its own principles of freedom and public service and a war record which places it high among the glorious institutions of this earth, likewise has become a guardian of the public interest."

"It is my prophecy that American business will want to use radio in the perpetuation of this trust, that it will find new ways to sell itself and its products to the American public through radio, that it will share more fully in radio's recognition as a guest in the American home—and whether this develops in the form of television, FM or the radio of the past twenty-five years, there shall be stronger safeguards of free expression and a greater fulfillment of public service by means of the union of broadcasting and the business man."

"This 'union of broadcasting and the business man' is, of course, a tremendous source of employment for writers, actors and musicians who can find the fulfillment of their artistic ambitions in their pay envelopes and who are willing not to offend.

"Let me make it clear that I am not here complaining about any individual program produced by advertisers or advertising agencies. Some of them I enjoy personally, and I would not interfere with the right of others to hear programs which they like even though my taste might happen to disagree with theirs. The problem of broadcasting, as I see it, is not what we hear over the air—there are sufficient safeguards against obscenity, profanity, and the like. The problem lies in what we do not hear. Censorship by overloading the air with programs which sell goods, to the exclusion of programs which do not, may be as effective as a complete denial of access to the air or censorship by the blue pencil.

"Never to offend anyone may be good salesmanship. But is it good radio? Is it good sense in times such as these in which we are living? The best in literature and drama, and even art and music has offended. Milton offended in his time. So did Shakespeare and Victor Hugo and Voltaire, and Moliere, and even Galileo, in theirs—but their works have survived long after even the names of those whom they offended were forgotten. Tom Paine and Sam Adams and Jefferson and Hamilton and Madison and many others whose names we honor today did a lot of offensive speaking and writing in their time, but it was a time which required a challenge to greatness and a big challenge cannot be made without offending prejudices and vanities and fixed habits of thought. Out of their courage to offend came a Declaration of Independence and a Constitution and Bill of Rights.

"Our day is no less a time for a big challenge, but it hasn't been very long since the late Alexander Woolcott came to the parting of the ways with his sponsor because he offended by making uncomplimentary remarks about two world statesmen, whom we have since come to regard as rather unsavory characters—Adolph Hitler and Benito Mussolini. Big challenges are being made today, and they are being made by radio, not only through speeches but through dramatizations such as 'On a Note of Triumph' which reach the emotions as well as the mind. We must not let such stirring appeals to our generation be overwhelmed or crowded out by the sheer volume of exhortations to buy commercial products; nor must we permit the commercial reiteration of broadcasting to anaesthetize us against the mighty challenges which radio on occasion can deliver.

"The problems of broadcasting are, therefore, far greater than the questions of whether the commercial shall come at the beginning, the middle or the end of the newscast, or at all three places, or what we should do about cowcatchers, hitch hikers, and singing commercials, or even the direct employment which post-war broadcasting will provide for talent. Which of the basic philosophies gains the ascendancy may well determine whether our children and our children's children will find their employment as artists, scientists, professional people, mechanics or farmers—or as soldiers or sailors.

"The exponents of both philosophies of broadcasting pay full deference to the symbols of public interest and democracy. They say we must have a 'free radio.' I agree. Let us have a radio that is truly free—as free from economic domination and overbearing greed as from government censorship; that is free for the fullest expression of ideas and music and art; that is free to dramatize ideas as well as mystery stories or soap or laxatives; that is free even for the indulgence of 'personal preferences for poetry and the opera'; that is free from fear of offending, except through vulgarity and cheapness and obscenity and insincerity; that is free for the writer, the producer, and the actor to give the best that is in him regardless of the effect upon the sale of commercial products.

"They say we must have a competitive radio. I agree. Let us have a radio that is competitive for listeners as well as for advertising accounts; that competes for the quality and sincerity of programs as well as for listener ratings; that competes for the privilege of using the people's frequencies in the best interests of the people and on the basis of public service promised and rendered; that grants free competition to ideas and music and all other forms of human expression and that provides a free outlet for such expression in every community in the nation.

"They say we must have a democratic radio, regulated by the people, that gives the people what they want. I agree. Let us have a radio that is regulated by the people and that gives the people full access to all information needed for intelligent regulation. Let us have organizations through which the people can speak in making their regulation effective; let us have a democratic radio that is scrupulous in its regard for minority rights, which are as sacred to our form of democracy as majority rule. Above all, let us have a radio which recognizes that the essence of democracy is the maximum participation by the people in its processes; which recognizes that democracy is not merely a form of government but a way of life, and that music and drama and making a living and playing, as well as voting, are among its important ingredients.

"The new spirit which is needed in broadcasting must come from the artists and writers who will produce its programs. There is evidence that such a new spirit is beginning to stir. It is expressed in a letter from Private Ted Kehoe of the United States Army to *Theatre Arts* magazine:

"Today, most of us march in the ranks of the Army, but we are looking over our shoulders, watching our oldsters play out their string—watching them, learning, even as we march in war.

"In a few years the baton of leadership will be placed in our hands. Another round of the clock will

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see the curtain rise on a new theatre, a distinctly American Theatre, dominated by youth—all of us working to perfect our art, our profession.

"How are we to start? Certainly not by wading into New York to compete in mortal combat with the 'Broadway baboons.' Instead, we intend to come into our own through kitchen doors, cellar doors, attic windows. We intend to infiltrate their lines, to establish theatres, resident professional community theatres, throughout this still mighty nation. We shall steal their foundations, brick by brick, until the American Theatre means something more than Broadway, New York City—until it means Cleveland, Pasadena, Houston, New Orleans, St. Louis, Cincinnati, and Pittsburgh and Seattle and Atlanta—until the term "American Theatre" brings to mind the playhouses and the artists of a nation. We shall increase the scope and meaning of the term by increasing the importance of the theatre *on stage* to local Joe Citizen—by being honest with him and with ourselves."

"The hundreds of new stations made possible by frequency modulation can provide the kitchen doors, cellar doors, and attic windows through which the Private Kehoes may also infiltrate the American system of broadcasting."

Federal Communications Commission Docket

HEARINGS

Wednesday, July 18

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted petition to vacate the July 2 hearing date on application for renewal of license and assign hearing at Evansville; vacated the July 2 hearing date, and scheduled hearing for 10 a. m., July 18, at Evansville, Ind., provided, however, that the hearing may be adjourned to the offices of the Commission in Washington, D. C., for presentation of additional evidence, and further ordered that the motion for an order to take depositions be dismissed.

Thursday, July 26

Hearst Radio Inc., Assignor, and the Crosley Corp., Assignee, New York City.—The Commission on its own motion, continued the hearing scheduled for June 27 to July 26, 1945, on the applications for voluntary assignment of license of WINS and construction permit. (Action taken June 22.)

Federal Communications Commission Action

APPLICATIONS GRANTED

WJWC—J. W. Woodruff, et al., d/b as Columbus Broadcasting Co., Portable-Mobile, Columbus, Ga.—Granted construction permit to reinstate construction permit which authorized a new relay broadcast station to be used with standard station WRBL; frequencies 1622, 2058, 2150 and 2790 kc., 15 watts.

W9XZC—Zenith Radio Corp., Chicago, Ill.—Granted modification of construction permit which authorized a new experimental television broadcast station, for extension of completion date from 8-19-45 to 2-19-46, subject to changes in frequency assignment which may result from proceedings in Docket No. 6651; conditions.

W3XWT—Allen B. DuMont Laboratories, Inc., Washington, D. C.

—Granted license to cover construction permit which authorized reinstatement and changes in transmitter site, power, emission and type of equipment in experimental television station, subject to changes in frequency assignments which may result from proceedings in Docket No. 6651; conditions; station is to be operated as an experimental television broadcast station in accordance with Secs. 4.71 to 4.79 inclusive and to conduct such other related experimental operations as the Commission may require through its Engineering Department; frequencies to be assigned by Commission's Chief Engineer from time to time; power: Aur-2 KW, Vis-4 KW (peak); transmitter located at 11th and E Sts., N. W. (Hotel Harrington).

W3XLA—Everett L. Dillard, tr/as Commercial Radio Equipment Co., Portable, area of Washington, D. C.—Granted modification of construction permit which authorized a new satellite (developmental) broadcast station, for extension of completion date to 9-15-45.

W9XLA—KLZ Broadcasting Co., Portable, area of Denver.—Granted modification of construction permit which authorized a new satellite (developmental) broadcast station, for extension of completion date from 7-4-45 to 1-4-46.

WBCA—Capitol Broadcasting Co., Inc., Schenectady, N. Y.—Granted license to cover construction permit which authorized changes in antenna of FM broadcast station.

Georgia School of Technology, Area of Atlanta, Ga.—Granted construction permit for new relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 150 watts.

National Broadcasting Co., Inc., Cleveland, Ohio.—Granted construction permit for new relay broadcast station; frequencies 1606, 2074, 2102, 2758 kc., 150 watts.

Indiana Broadcast, Inc., Indiana, Penna.—Adopted Memorandum Opinion and Order granting application for a new station to operate on 1450 kc., 250 watts, unlimited time; conditions.

KRLH—Millard Eidson, Independent Executor of Estate of Clarence Scharbauer, deceased, Midland, Texas.—Granted request to change call letters of station from KRLH to KCRS.

LICENSE RENEWALS

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Granted renewal of license for the period ending August 1, 1946.

KFBC—Frontier Broadcasting Co., Cheyenne, Wyo.—Granted renewal of license for the period ending August 1, 1946.

KMAC—Howard W. Davis, tr/as The Walmac Co., San Antonio, Texas.—Granted renewal of license for the period ending August 1, 1946.

WMC—Memphis Publishing Co., Memphis, Tenn.—Granted renewal of license for the period ending May 1, 1946.

WJJD—WJJD, Inc., Chicago, Ill.—Granted renewal of license for the period ending May 1, 1948.

KTUL—Tulsa Broadcasting Co., Tulsa, Okla.—Granted renewal of license for the period ending November 1, 1947.

Licenses for the following stations were further extended on a temporary basis pending determination upon application for renewal, for the period ending September 1, 1945:

KFAB, Lincoln, Nebr.; KJBS, San Francisco; KRLD, Dallas, Texas; KSTP and auxiliary, St. Paul, Minn.; KVOO, Tulsa, Okla.; WBAL and auxiliary, Baltimore, Md.; WBT, Charlotte, N. C.; WDZ, Tuscola, Ill.; WFTC, Kinston, N. C.; WHAM and auxiliary, Rochester, N. Y.; WINS and auxiliary, New York City; WLIB and auxiliary, Brooklyn; WOAI and auxiliary, San Antonio; WOWO, Ft. Wayne, Ind.; WRVA and auxiliary, Richmond, Va.; WSKB, McComb, Miss.; WTOP, Washington, D. C.; WWVA, Wheeling, W. Va.; KMOX, St. Louis, Mo.; WDGY, Minneapolis, Minn.; KPMC, Bakersfield, Calif.

MISCELLANEOUS

Licenses for the following FM broadcast stations were extended on a temporary basis only, pending determination upon application for renewal, for the period ending September 1, 1945, subject to changes in frequency assignment which may result from proceedings in Docket No. 6651:

WFMN, Alpine, N. J.; WNYC-FM, New York City; WMIT, Winston-Salem, N. C.; WGTR, Boston; WNTW, Boston.

Licenses for the following FM broadcast stations were further

(Continued on next page)

extended upon a temporary basis only, pending determination upon application for renewal, for the period ending September 1, 1945, subject to changes in frequency assignment which may result from proceedings in Docket No. 6651:

KOZY, Kansas City, Mo.; WMLL, Evansville, Ind.; WQXQ, New York City; WHFM, Rochester, N. Y.

W4XAJ—The Atlanta Journal Co., area of Atlanta, Ga.—License for developmental broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending September 1, 1945, subject to changes in frequency assignment which may result from proceedings in Docket 6651.

KALW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—License for non-commercial educational broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending September 1, 1945, subject to changes in frequency assignment which may result from proceedings in Docket 6651.

W2XWE—WOKO, Inc., Albany, N. Y.—License for facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending September 1, 1945.

Licenses for the following relay broadcast stations were further extended upon a temporary basis only, pending determination upon applications for renewal, for the period ending September 1, 1945:

Columbia Broadcasting System, Inc., WCBE, Charlotte, N. C.; KFAB Broadcasting Co., KIIH, Lincoln, Neb.; KSTP, Inc., KABE, KAIE, St. Paul, Minn.; NBC, WNBJ, Cleveland; Radio Service Corp. of Utah, KBIC, KBID, KNEF, Salt Lake City; WDWZ Broadcasting Co., WAIO, WELR, Tuscola, Ill.; Westinghouse Radio Stations, Inc., WBGM, Ft. Wayne, Ind.; West Va. Broadcasting Corp., WAAH, Wheeling, W. Va., L. B. Wilson, Inc., WBAF, Cincinnati; WOKO, Inc., WMWA, Albany, N. Y.

First Baptist Church, Pontiac, Mich.—Granted extension of permit under Sec. 325 (b) of the Communications Act to transmit programs to Radio Station CKLW, Windsor, Ontario, Canada.

Associated Broadcasting Corp., Grand Rapids, Mich.—Granted extension of permit under Sec. 325 (b) of the Communications Act to transmit programs from Grand Rapids, Mich., to station CKLW, Windsor, Ontario, Canada.

Philadelphia Gospel Broadcasters Association, Philadelphia, Pa.—Denied petition for reconsideration and rehearing of the Commission's decision April 25, 1945, denying the petition and complaint of Philadelphia Gospel Broadcasters Association against the policies of station WPEN relating to religious broadcasting. The Commission finds no new facts or data presented which would require the Commission to modify or set aside its denial.

The following amended television applications were retained in the pending files:

Metropolitan Television, Inc., New York City; Central Ohio Broadcasting Co., Columbus, Ohio; Filene's Television, Inc., Boston; Cincinnati Broadcasting Co., Cincinnati, Ohio.

The following amended FM broadcast application was retained in the pending files:

Debs Memorial Radio Fund, Inc., New York City.
Hearst Radio, Inc., Milwaukee, Wis.—Placed in the pending files in accordance with Commission policy of February 23, 1943, application for commercial television station.

The Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—Placed in the pending file in accordance with Commission policy of February 23, 1943, application for FM broadcast station.

APPLICATIONS FILED AT FCC

590 Kilocycles

KTBC—Claudia T. Johnson, Austin, Texas.—Authority to determine operating power by direct measurement of antenna power.

600 Kilocycles

KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Construction permit to install a new transmitter. (B3-P-3877)

660 Kilocycles

KOWH—World Publishing Co., Omaha, Nebr.—Special service authorization to operate **660 kc.**, with power of 100 watts night, 500 watts day, unlimited time, for the period ending 11-1-46. (B4-SSA-130)

700 Kilocycles

WLW, WLWA, WLWB, WLWC, WLWD, WLWE, WLWF, WLWG, WLWH, WLWI, WLWJ, WLWL, WLWO, WLWR, WLWS, WLWK, W8XAL, W8XFM, W8XCT, WLWN, WLWQ, WLWU & WLWV—The Crosley Corp., Cincinnati, Ohio.—Transfer of control of licensee corporation from Powel Crosley, Jr., *et al.* to The Aviation Corporation (305,100 shares common stock—55.9%). (B2-TC-452)

930 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—License to cover construction permit (B3-P-3114) as modified for increase in power, installation of directional antenna for night use, and move of transmitter. (B3-L-1897)

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Authority to determine operating power by direct measurement* of antenna power. (B3-Z-1703)

1340 Kilocycles

WTAL—Capital City Broadcasting Corp., Tallahassee, Fla.—Application for renewal of standard broadcast station license filed.

1400 Kilocycles

NEW—Fayette Associates, Inc., Montgomery, W. Va. (P. O. % Arnold M. Vickers, Montgomery, W. Va.)—Construction permit for a new standard broadcast station to be operated on **1400 kc.**, with power of 250 watts, and unlimited hours of operation. (B2-P-3876)

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Construction permit to move transmitter and make changes in antenna. (B3-P-3878)

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—Application for renewal of standard broadcast station license filed.

WDEF—WDEF Broadcasting Co., Chattanooga, Tenn.—Application for renewal of standard broadcast station license filed.

WRAK—WRAK, Inc., Williamsport, Pa.—Application for renewal of standard broadcast station license filed.

WSRR—Stephen R. Rintoul, Stamford, Conn.—Application for renewal of standard broadcast station license filed.

1490 Kilocycles

WNLC—Thames Broadcasting Corp., New London, Conn.—Construction permit to install a synchronous amplifier at Norwich, Conn., to be operated on **1490 kc.**, with power of 250 watts, with unlimited hours of operation synchronized with Station WNLC. (B1-P-3874)

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Authority to determine operating power by direct measurement of antenna power. (B2-Z-1705)

WELO—Birney Imes, Jr., Tupelo, Miss.—Application for renewal of standard broadcast station license filed.

FM APPLICATIONS

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new high frequency (FM) broadcast station to be operated on **43.5 mc.**, with coverage of 18,050 square miles. AMENDED: to change coverage to 24,500 square miles, change transmitter site from Berkeley, Calif., to Top of Mt. Tamalpais, Marin Co., Calif., change type of transmitter and make changes in antenna.

NEW—West Virginia Broadcasting Corp., Wheeling, W. Va. (P. O. Hawley Bldg., Wheeling, W. Va.)—Construction permit for a new high frequency (FM) broadcast station to be operated on **43.9 mc.**, with coverage of 18,862 square miles. (B2-PH-511)

TELEVISION APPLICATIONS

NEW—Twentieth Century-Fox Corp., New York, N. Y. (P. O. 444 W. 56th St., New York 19, N. Y.)—Construction permit for a new commercial television broadcast station to be operated on Channel #5 (72-78 mc.) as proposed in reallocation or as the Commission may designate within the 40-100 mc. bands, with ESR of 5420.

MISCELLANEOUS APPLICATIONS

WATX—The Regents of the University of Michigan, Ann Arbor, Mich.—Modification of construction permit for extension of completion date from 6-16-45 to 12-16-45. (B2-MPED-22)

KUSC—University of Southern California, Los Angeles, Calif.—Modification of construction permit for extension of commencement and completion dates from 12-21-44 and 6-21-45 to 6-21-45 and 12-21-45, respectively.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Georgetown, D. C.—License to cover construction permit for change in transmitter site and change class of station. (B1-LEX-22)

Federal Trade Commission Docket

COMPLAINTS

The Federal Trade Commission has alleged unfair competition against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Lesem Bach & Co., Inc.—A complaint has been issued charging Lesem Bach & Co., Inc., 257 Fourth Ave., New York, with misrepresenting the fiber content of textile fabrics it sells to clothing manufacturers and dealers. The complaint alleges that the respondent company in newspaper advertisements and by other means has represented that its fabrics sold under the trade names "Monte Cristo," "Kohinoor" and "Backadere Gabardine" are composed of wool, when such is not the fact. (5340)

Earl H. Snow and Pershing R. Snow, trading as Snow's Hatcheries. The complaint alleges that the respondents, who operate breeding and trap-nesting farms at Sleepy Eye, Minn., have falsely represented, directly or by implication, that they are United States Record of Performance breeders and operate poultry-breeding plants or hatcheries under the supervision of official agents, and that their sired chicks are obtained from flocks headed by wing-banded pedigreed males from an outstanding breeder and meet all requirements of the U. S. R. O. P. program. The complaint alleges that the respondents' principal business is operating a commercial hatchery in which chicks are hatched from eggs largely purchased by them from outside sources. (5339)

National Modes, Inc., National Modes Holding Corporation and John Block. Violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint against National Modes, Inc., National Modes Holding Corp., and John Block, 130 West 31st St., New York. The complaint also names as respondents the manufacturers who pay the brokerage and certain large retail dry goods stores for whom Block and his corporations act as buying agents. The wearing apparel so purchased is promoted and sold by the retailers under registered trade-marks, the principal ones being "Carolyn" and "Jeanne Barrie," which are owned and controlled by National Modes, Inc. (5338)

Ritter Brothers, Inc.—A complaint has been issued charging Ritter Brothers, Inc., 224 West 30th St., New York, with mis-

representation in connection with the sale of women's fur garments, principally those made of mink. It is also charged that the respondent has represented falsely that the trade-mark has been duly registered with the U. S. Patent Office and that the pelts used in the manufacture of the garments came from prize-winning animals. (5341)

H. Wallace Johnston—A complaint has been issued charging H. Wallace Johnston, trading in his own name and under the name "Palm Lodge Tropical Fruit Groves", Homestead, Florida, with false advertising. The complaint alleges, the respondent has represented that Aloe Vera leaves were a competent and adequate treatment for a number of ailments, including arthritis, rheumatism, dyspepsia and constipation. (5337)

CEASE AND DESIST ORDERS

The Commission issued the following cease and desist orders last week:

Robert W. Hailey, G. P. Hubble and H. F. Hall, trading as Cookware Associates, Bucyrus, Ohio, are ordered to discontinue fraudulent practices whereby they accepted orders for aluminum cooking utensils, which they could not deliver, and then refused to cancel the orders or refund down payments, and sought to compel purchasers to accept substitute utensils made of glass or ceramic ware. (5084)

Peck & Hills Furniture Co., Inc., 42 East 32nd St., New York, is ordered to cease and desist from representing that the established retail selling prices at which its products are sold are special or wholesale prices; from using courtesy cards as a means of representing that the holders are enabled to buy the respondent's products for less than the prices customarily charged therefor, or the using in catalogs or on tags attached to the products "list" prices not representing the prices at which the respondent's products are customarily sold in the normal and usual course of business. (5239)

STIPULATIONS

During the past week the Commission has announced the following stipulations:

One-Two-Three Co., Inc., 150 Varick St., New York, agrees to cease using any statement or representation tending to convey the belief that the preparations contain no artificial preservative; that certain of its preparations are especially prepared for use in waters of different degrees of hardness, and to suit the chloride content thereof; the use of any certificate or representation connoting that the preparations have met the requirements of a qualified testing bureau or other generally recognized authority for standards of quality, purity of ingredients or methods of production; or that the products have been approved or endorsed by such authority. The respondent also agrees to cease representing, directly or inferentially, that the preparations are made of the oil or juice of lemons, limes, oranges or other fruits. (4079)

Abraham M. Warren, trading as A. M. Warren & Co., 227 West Van Burn St., Chicago, has stipulated that he will cease and desist from advertising branding, labeling, invoicing or selling products composed in whole or in part of rayon, without clearly disclosing by use of the word "rayon" the fact that they are composed of or contain rayon; and, when a product is composed in part of rayon and in part of fibers or material other than rayon, from failing to disclose, in immediate connection or conjunction with the word "rayon," and in equally conspicuous type, each constituent fiber of the product in the order of its predominance by weight beginning with the largest single constituent. (4082)

West Disinfecting Co., 42-16 West St., Long Island City, N. Y., agrees to cease representing that use of the preparation will prevent dermatitis, that the lanolin content is absorbed by

(Continued on next page)

the skin and will replenish the natural oiliness of the skin, or that the use of the preparation leaves an oil film on the skin or that the lanolin content remains on the skin. It further agrees to cease representing, by use of the word "lanolin" or any pictorial or other representation connoting lanolin, that the inclusion of lanolin in the preparation adds to its cleansing properties or therapeutic value, or representing, by statements such as "away-and-beyond the common concept of an industrial hand cleaner," that the preparation differs materially from all industrial soaps sold in competition with it. (4078)

Edward Sayle, trading as Arrow Publishers, 1674 Broadway New York, has agreed to cease and desist from (1) Selling any abridged copy of a book or publication unless the word "Abridged" appears on the front cover and on the title page in immediate connection with the title and in clear, conspicuous type. If the book has an additional wrapper or cover bearing the title, then the front page of the wrapper shall in like manner bear the word "Abridged" conspicuously displayed. (2) Representing by statements such as "A complete \$2 Mystery Novel," or in any other manner, that an abridged book is complete as originally published. (3) Substituting a new title for the original title of a reprinted story unless, whenever used, the substitute title is immediately accompanied, in equally conspicuous type, by the original title. (4083)

Earl J. Kahn, trading as The Weatherman, 430 North Michigan Ave., Chicago, agrees to cease and desist from the use of the word "free" to describe goods when they are not a gratuity and the prospective recipient is required as a consideration to purchase some other article or articles or render some service in order to obtain the same; and from representing, directly or inferentially, that an offer is an "introductory advertising offer" when it is a regular offer. (4081)

Lamport Co., Inc., 365 Broadway, New York, agreed to cease and desist from the use of any statement or representation tending to convey the belief that its products will afford satisfactory wear or service for four years, or any other period of time, or that the measurement of the life of such products in actual use can be determined by "tests" or in any other manner. (4085)

Brewing Industry Foundation, 21 East 40th St., New York, agreed to discontinue disseminating advertisements which contain statements and representations tending to convey the belief that beer is not a fattening product, that it will "help unsnarl tangled nerves," "relieve the strain of modern living" or otherwise be of benefit in conditions which are the result of some definite disease or disorder of the nervous system. (4086)

Brunswick-Balke-Collender Co., Chicago, agrees to stop using in its advertising matter, or in any other manner, statements or representations which tend to convey the belief, when contrary to fact, that any claim of superiority allegedly possessed by its products is based on or supported by an authoritative test that has been made substantially coincident with the time of the dissemination of the advertising matter. The corporation also agrees to discontinue using in its advertising matter any test or excerpt therefrom that may cause the belief, when such is not a fact, that the test involved a comparison of alleged quality of any one of its products with the field of competitive products. (4080)

Progressive Sales Co. (William Heim, Charles Mandell and John Develer, trading as), 1524 Chestnut St., Philadelphia, Pa., stipulate that in the performance of their contracts with customers they will cease and desist from substituting or delivering books or publications other than those specified in the contracts. (4084)